

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

NETLIST, INC.,

Plaintiff,

v.

MICRON TECHNOLOGY, INC., MICRON  
SEMICONDUCTOR PRODUCTS, INC., AND  
MICRON TECHNOLOGY TEXAS LLC,

Defendants.

Civil Action No. 2:22-CV-00294-JRG

**JURY TRIAL DEMANDED**

**DEFENDANTS' UPDATED NOTICE OF FINAL ELECTION OF INVALIDITY  
THEORIES, PRIOR ART REFERENCES/COMBINATIONS, AND EQUITABLE  
DEFENSES**

Pursuant to the Court's May 14, 2024 Order, the Micron Defendants hereby provide an update to the previously served list of invalidity theories, prior art references and combinations, and equitable defenses.

The Court's Order stated that Micron's prior notice was "unclear" and Ordered Micron to "stat[e] in no uncertain terms whether it will be asserting any invalidity defenses or equitable defenses and, if so, what defenses it will be asserting." Dkt. 120 at 1-2. In response, Micron states as follows, in view of the United States Patent Office final written decision invalidating the '912 patent and its institution of *inter partes* review of the '417 patent:

- Micron is no longer asserting invalidity theories at trial, with or without prior art references/combinations. Micron will also not be asserting equitable defenses at trial.
- Micron and its experts anticipate referring to prior art references mentioned in their reports at trial for background, state of the art, damages, incremental value of the claimed inventions, or other legal issues.

Dated: May 16, 2024

Respectfully submitted,

/s/ Michael R. Rueckheim

Thomas M. Melsheimer  
State Bar No. 13922550  
TMelsheimer@winston.com  
Natalie Arbaugh  
State Bar No. 24033378  
NArbaugh@winston.com  
WINSTON & STRAWN LLP  
2121 N. Pearl Street, Suite 900  
Dallas, TX 75201  
Telephone: (214) 453-6500  
Facsimile: (214) 453-6400

David P. Enzminger (*pro hac vice*)  
denzminger@winston.com  
WINSTON & STRAWN LLP  
333 South Grand Avenue, 38th Floor  
Los Angeles, CA 90071-1543  
Telephone: (213) 615-1700  
Facsimile: (213) 615-1750

Michael R. Rueckheim  
State Bar No. 24081129  
MRueckheim@winston.com  
Ryuk Park (*pro hac vice*)  
RPark@winston.com  
Matthew R. McCullough  
MRMcCullough@winston.com  
WINSTON & STRAWN LLP  
255 Shoreline Drive, Suite 520  
Redwood City, CA 94065  
Telephone: (650) 858-6500  
Facsimile: (650) 858-6559

Matthew Hopkins (*pro hac vice*)  
State Bar No. 1500598  
mhopkins@winston.com  
WINSTON & STRAWN LLP  
1901 L Street, N.W.  
Washington, D.C. 20036  
Telephone: (202) 282-5000  
Facsimile: (202) 282-5100

William M. Logan  
State Bar No. 24106214  
wlogan@winston.com  
Juan C. Yaquian (*pro hac vice*)  
State Bar No. 24110559  
JYaquian@winston.com

WINSTON & STRAWN LLP  
800 Capital Street, Suite 2400  
Houston, TX 77002  
Telephone: (713) 651-2600  
Facsimile: (713) 651-2700

Wesley Hill  
State Bar No. 24032294  
wh@wsfirm.com  
Andrea Fair  
State Bar No. 24078488  
andrea@wsfirm.com  
Charles Everingham IV  
State Bar No. 00787447  
ce@wsfirm.com  
WARD, SMITH & HILL, PLLC  
1507 Bill Owens Parkway  
Longview, TX 75604  
Telephone: (903) 757-6400  
Facsimile: (903) 757-2323

**ATTORNEYS FOR DEFENDANTS**  
**MICRON TECHNOLOGY, INC.,**  
**MICRON SEMICONDUCTOR PRODUCTS,**  
**INC., MICRON TECHNOLOGY TEXAS, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that, on May 16, 2024, a copy of the foregoing was served on all counsel of record via the Court's ECF system.

/s/ Michael R. Rueckheim  
Michael R. Rueckheim